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10/715,425

11/19/2003

Jerome Cornet

ALC 3097

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7590 08/28/2008
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| EXAMINER |
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BIAGINI, CHRISTOPHER D

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| ART UNIT | PAPER NUMBER |
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2142

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08/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--|--------------------------------------|--|
| Office Action Summary | Application No. 10/715,425 | Applicant(s) CORNET ET AL. | |
| | Examiner Christopher Biagini | Art Unit 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the objection to the specification have been fully considered and are persuasive. However, in light of the amendments, a new objection is made.

Applicant's arguments with respect to the rejection of claims 1-2 under 35 USC 112, first and second paragraphs, have been fully considered and are persuasive. However, in light of the amendments, new rejections are made.

Applicant's arguments with respect to the rejection(s) of claim(s) 1-8 under 35 USC 103(a) have been fully considered and are persuasive in light of the amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Regarding the argument that "Horvitz uses the word schema to describe a configuration scheme, not a structure of documents augmented with routing information," the Examiner disagrees. Horvitz teaches that the schemas disclosed are used to define the structure of XML documents (see paragraphs [0035]-[0036]). These schemas can include routing information for documents written according to the schemas as described at paragraphs [0159]-[0161].

Specification

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The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification provides no discussion for validating a fetched document, where the fetched document is a schema document.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation “instructions for validating the fetched document,” where the only “fetched document” is a schema. Although the specification appears to provide support for validating XML documents, there is no support for validating schema documents.

Claim 2 is rejected for incorporating the deficiencies of claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the fetched document," but previously introduces "a document" and "a schema document." It is unclear to which document this limitation is intended to refer. Since the schema document is the only document "fetched" in the claim, the limitation "the fetched document" will be interpreted as referring to the schema for the purposes of this Action.

Claim 1 further recites "the validated document," which suffers from the same ambiguities as discussed above. For the purposes of this Action, the limitation "the validated document" will be interpreted as referring to the schema.

Claim 2 is rejected for incorporating the deficiencies of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic et al. (US Pub. No. 2003/0028654, hereinafter "Abjanic") in view of Horvitz (US Pub. No.

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2003/0097495), and further in view of Fraser et al. (US Patent No. 6,629,149, hereinafter “Fraser”).

Regarding claim 1, note that the preamble has been given patentable weight as it is relied upon by the body of the claim.

Abjanic shows a content switch (director 145) for use in routing packets to application providers (application servers: see [0029] and [0077]) in a computer based communication system that uses instructions recorded on a computer-readable storage medium (see [0031]), the storage medium comprising:

- instructions for sending a document (comprising an XML document: see [0057]) to a parser (XML parser 312: see [0059]);
- instructions for fetching a routing document (comprising a group of configuration patterns: see [0059]-[0061]) associated with a packet (comprising a packet of XML data: see [0055]-[0056]) and containing routing rules (comprising configuration patterns: see [0052] and [0061]);
- instructions for validating the fetched document (comprising validating the group of configuration patterns: see [0082] and note that the system also checks the XML document as described in [0081]);
- instructions for passing the validated document to a routing instruction processor (content based switching decision logic: see [0059] and [0083]);
- instructions for interpreting the routing rules in the routing document (content based switching logic 316: see [0059]),

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- instructions for redirecting packets to a specified server (output interface 320: see [0060]); and
- wherein each application provider defines switching policies (see [0047] and [0051]-[0054] and note that the switching policies are based on the needs of the application providers).

Abjanic does not explicitly show:

- that the content switch is managed by a network provider;
- parsing a schema document associated with a packet and containing routing rules; and
- wherein administrative domains of the content switch and application servers are separated

Horvitz shows parsing a schema document associated with a packet and containing routing rules (see [0159]-[0161]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Abjanic with the schema document of Horvitz in order to provide routing “hints” to a downstream network element (see Horvitz, [0161]).

Fraser shows a content switch (comprising an inline agent) managed by a network provider (comprising the provider which provides WAN connectivity to a LAN: see col. 15, line 45 to col. 16, line 10). Fraser further shows wherein the administrative domains of the content switch and the devices it serves are separated: see col. 16, lines 1-10 and note that the inline agent provides a service (see col. 15, lines 45-47) to LANs operated by customers.

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Regarding claim 2, Abjanic in view of Horvitz shows the limitations of claim 1 as applied above, and Abjanic further shows instructions for parsing XML-based language (see [0028]).

Claims 3-7 correspond to claims 1 and 2 and are rejected for the same reasons as given above.

Regarding claim 8, the combination shows the limitations of claim 7 as applied above, and further shows allowing a trusted customer of the network provider to define switching policies (see Fraser, col. 16, lines 1-10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Biagini
(571) 272-9743

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142